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11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,)	No. CV 03-06809-AG(RNBx)
)	
16 Plaintiff,)	
)	
17)	CONSENT JUDGMENT OF FORFEITURE
)	BETWEEN PLAINTIFF AND CLAIMANTS
18 v.)	ABDUL MIZYED AND ELSA MIZYED
)	WITH RESPECT TO THE FOLLOWING
19 \$118,312.46 IN BANK FUNDS)	DEFENDANT ASSETS ONLY: ASSORTED
SEIZED FROM HEMLOCK FEDERAL)	JEWELRY SITUATED IN SAFE
20 BANK ACCOUNT NUMBERS)	DEPOSIT BOX NUMBER 1893
20-00-069061, 20-50-22445)	
21 AND 20-00-069200; ONE 2003)	
HONDA ACCORD EX; ONE 1999)	
22 MERCEDES-BENZ S500; ONE)	
2001 GMC DENALI; ONE 2000)	
23 MERCEDES-BENZ S500; ONE 2003)	
HUMMER H2; ASSORTED JEWELRY)	
24 SITUATED IN SAFE DEPOSIT)	
BOX NUMBER 1893; \$16,000.00)	
25 IN U.S. CURRENCY SITUATED)	
IN SAFE DEPOSIT BOX NUMBER)	
26 1795; ASSORTED JEWELRY)	
SITUATED IN SAFE DEPOSIT)	
27 BOX NUMBER 1795; \$11,500.00)	
IN U.S. CURRENCY SITUATED IN)	
28 SAFE DEPOSIT BOX NUMBER 1815))	

1	AND \$3,994.00 IN U.S.)
	CURRENCY,)
2)
)
3	Defendants.)
)
4	_____)
)
5	ABDUL MIZYED AND)
	ELSA MIZYED,)
6)
	Claimants.)
7	_____)

On or about October 1, 2003, Plaintiff United States of America ("the government," "the United States of America" or "Plaintiff") filed a First Amended Complaint for Forfeiture alleging that the defendants were subject to forfeiture pursuant to 18 U.S.C. § 981, 21 U.S.C. § 881 and 31 U.S.C. § 5317. The defendants named in the First Amended Complaint include, but are not limited to the item named as Assorted Jewelry Situated in Safe Deposit Box Number 1893, which safe deposit box was seized on or about April 15, 2003 at Hemlock Federal Bank, 8855 South Ridgeland Avenue, Oak Lawn, Illinois 60453 and is in the names of Abdul Mizyed and Elsa Mizyed. The defendant Assorted Jewelry Situated in Safe Deposit Box Number 1893 consists of the following seven items:

(a) ladies stainless steel cartier tank watch with diamond band and bezel; (b) mans stainless steel cartier pasha with diamond bezel; (c) 18kt white gold princess cut diamond bracelet; (d) 14kt yellow gold gents ring with 7 diamonds; (e) 14kt yellow gold ladies cluster ring with single cut side diamonds; (f) 18kt white gold princess cut diamond engagement ring; and (g) ladies platinum baguette & princess cut diamond ring; 15 baguettes; 22 princess cut diamonds.

/ / /

1 On or about December 8, 2003, former claimant Saleh Mizyed¹
2 filed a verified claim to all of the defendants and an answer to
3 the First Amended Complaint. By order filed October 6, 2010
4 (docket no. 78) based upon a stipulation between Saleh Mizyed and
5 the government filed October 5, 2010 (docket no. 77), Saleh
6 Mizyed's claim to the defendant Assorted Jewelry Situated in Safe
7 Deposit Box Number 1893 was dismissed with prejudice.

8 On or about December 1, 2003, former claimant Ghalia Mizyed²
9 filed a verified claim to contest the forfeiture of her interests
10 in defendants other than the defendant Assorted Jewelry Situated in
11 Safe Deposit Box 1893.³ On or about December 16, 2003, former
12 claimant Ghalia Mizyed filed an answer to the First Amended
13 Complaint. On or about December 30, 2003, claimants Abdul Mizyed
14 and Elsa Mizyed filed verified claims to defendant Assorted Jewelry
15 Situated in Safe Deposit Box Number 1893. On or about May 26,
16 2010, claimants Abdul Mizyed and Elsa Mizyed filed their answers to
17 the First Amended Complaint. No other claims or answers have been
18 filed in this action, and the government represents that this
19 / / /

21 ¹Former claimant Saleh Mizyed and the government resolved their
22 disputes in this case pursuant to a consent judgment filed March 2,
2011 (docket no. 80).

23 ²Former claimant Ghalia Mizyed and the government resolved their
24 disputes in this case pursuant to consent judgments filed May 10, 2005
(docket no. 37) and March 20, 2006 (docket no. 44).

25 ³The defendants claimed by former claimant Ghalia Mizyed in her
26 claim were the following: \$118,312.46 in bank funds seized from
27 Hemlock Federal Bank account numbers 20-00-069061, 20-50-22445 and 20-
28 00-069200, One 2001 GMC Denali, One 2000 Mercedes-Benz S500, One 2003
Hummer H2, \$16,000.00 in U.S. Currency Situated in Safe Deposit Box
Number 1795, Assorted Jewelry Situated in Safe Deposit Box Number 1795
and \$11,500.00 in U.S. Currency situated in Safe Deposit Box Number
1815. See Docket No. 10.

1 Consent Judgment of Forfeiture concludes this litigation in its
2 entirety.⁴

3 The government, on the one hand, and claimants Abdul Mizyed
4 and Elsa Mizyed, on the other hand, have agreed to settle this
5 action relative to the disputes between them by entering into this
6 Consent Judgment of Forfeiture with respect to the defendant
7 Assorted Jewelry Situated in Safe Deposit Box Number 1893.

8 The Court, having been duly advised of and having considered
9 the matter, and based upon the mutual consent of the parties
10 hereto,

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

12 1. This Court has jurisdiction over the subject matter of
13 this action and the parties to this Consent Judgment of Forfeiture.

14 2. As between plaintiff, on the one hand, and claimants
15 Abdul Mizyed and Elsa Mizyed, on the other hand, with respect to
16 the defendant Assorted Jewelry Situated in Safe Deposit Box Number
17 1893, the Complaint for Forfeiture states a claim for relief
18 pursuant to 18 U.S.C. § 981 and 21 U.S.C. § 881.

19 3. Notice of this action has been given as required by law.
20 No appearances have been made in the litigation by any person with
21 respect to the defendant Assorted Jewelry Situated in Safe Deposit
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23
24 ⁴As set forth in footnotes 1 and 2 above, the government resolved
25 its disputes with former claimant Saleh Mizyed pursuant to a consent
26 judgment filed March 2, 2011 (docket no. 80) and with former claimant
27 Ghalia Mizyed pursuant to consent judgments filed May 10, 2005 (docket
28 no. 37) and March 20, 2006 (docket no. 44). In addition, the
government resolved its disputes with potential claimant (i.e.,
parties who were relieved pursuant to their consent judgments of their
obligation to file a claim in this action) Galeb Mizyed via a consent
judgment filed May 10, 2005 (docket no. 37) and potential claimant
General Motors Acceptance Corporation via a consent judgment filed
August 31, 2006 (docket no. 58).

1 Box Number 1893 other than claimants Abdul Mizyed, Elsa Mizyed and
2 Saleh Mizyed. Saleh Mizyed's claim to the defendant Assorted
3 Jewelry Situated in Safe Deposit Box Number 1893 was dismissed by
4 order filed October 6, 2010 (docket no. 78). The Court deems that
5 all claimants (other than Abdul Mizyed and Elsa Mizyed) and
6 potential claimants admit the allegations of the Complaint for
7 Forfeiture to be true with respect to the defendant Assorted
8 Jewelry Situated in Safe Deposit Box Number 1893.

9 4. The government shall return to claimants Abdul Mizyed and
10 Elsa Mizyed (1) the ladies stainless steel cartier tank watch with
11 diamond band and bezel; (2) mans stainless steel cartier pasha with
12 diamond bezel; and (3) ladies platinum baguette & princess cut
13 diamond ring; 15 baguettes; 22 princess cut diamonds (i.e., items
14 (a), (b) and (g) as set forth in the first paragraph of this
15 Consent Judgment of Forfeiture). The government will return these
16 items by making them available for pick up by claimants Abdul
17 Mizyed and Elsa Mizyed at the United States Marshals Office, 219
18 South Dearborn, 24th Floor, Chicago, Illinois 60604 within sixty
19 (60) days after this Consent Judgment of Forfeiture is filed. In
20 order to arrange for the pick up of the items, claimants Abdul
21 Mizyed and Elsa Mizyed may be contacted care of their attorney,
22 Stanley L. Friedman, Attorney at Law, 445 South Figueroa Street,
23 Suite 2700, Los Angeles, California 90071, Telephone Number
24 213.629.1500, facsimile number 213.488.6899.

25 5. The remaining items included within the defendant
26 Assorted Jewelry Situated in Safe Deposit Box Number 1893 shall be
27 condemned and forfeited to the United States of America (i.e.,
28 items (c), (d), (e) and (f) above as set forth above in the first

1 paragraph of this Consent Judgment of Forfeiture). Those items are
2 18kt white gold princess cut diamond bracelet; 14kt yellow gold
3 gents ring with 7 diamonds; 14kt yellow gold ladies cluster ring
4 with single cut side diamonds; and 18kt white gold princess cut
5 diamond engagement ring. The United States Marshals Service is
6 ordered to dispose of the items forfeited to the United States of
7 America in accordance with law.

8 6. Claimants Abdul Mizyed and Elsa Mizyed, and each of them,
9 hereby release the United States of America, its agencies, agents,
10 officers, employees and representatives, including, without
11 limitation, all agents, officers, employees and representatives of
12 the Drug Enforcement Administration and the Department of Justice
13 and their respective agencies, as well as all agents, officers,
14 employees and representatives of any state or local governmental or
15 law enforcement agency involved in the investigation or prosecution
16 of this matter, from any and all claims, actions, or liabilities
17 arising out of or related to this action, including, without
18 limitation, any claim for attorney fees, costs, and interest, which
19 may be asserted by or on behalf of claimants Abdul Mizyed and Elsa
20 Mizyed, or either of them, whether pursuant to 28 U.S.C. § 2465 or
21 otherwise.

22 7. As between plaintiff, on the one hand, and claimants
23 Abdul Mizyed and Elsa Mizyed, on the other hand, with respect to
24 the defendant Assorted Jewelry Situated in Safe Deposit Box Number
25 1893, the Court finds that there was reasonable cause for the
26 seizure of the defendant Assorted Jewelry Situated in Safe Deposit
27 Box Number 1893 and institution of these proceedings against that
28 defendant. This judgment shall be construed as a certificate of

1 reasonable cause pursuant to 28 U.S.C. § 2465 as between plaintiff,
2 on the one hand, and claimants Abdul Mizyed and Elsa Mizyed, on the
3 other hand, with respect to the defendant Assorted Jewelry Situated
4 in Safe Deposit Box Number 1893.

5 8. The Court further finds that claimants Abdul Mizyed and
6 Elsa Mizyed did not substantially prevail in this action, and the
7 parties hereto shall bear their own attorney fees and costs.

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9 DATED: July 11, 2011

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12 THE HONORABLE ANDREW J. GUILFORD
13 UNITED STATES DISTRICT JUDGE
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CONSENT

The parties hereto consent to the above judgment and waive any right to appeal this consent judgment.

DATED: July 5, 2011

ANDRÉ BIROTTE JR.
United States Attorney
ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

/s/ Victor A. Rodgers
VICTOR A. RODGERS
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

DATED: June 30, 2011

LAW OFFICES OF STANLEY L.
FRIEDMAN

/s/ Stanley L. Friedman
STANLEY L. FRIEDMAN

Attorney for Claimants
ABDUL MIZYED and ELSA MIZYED